

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

JUAN ANGEL NIEVES QUIÑONES
YAMIR GARCIA SEGARRA

Debtors

JUAN ANGEL NIEVES QUIÑONES
YAMIR GARCIA SEGARRA

Plaintiffs

BANCO POPULAR PUERTO RICO
WIGBERTO LUGO MENDER, TRUSTEE

Defendants

CASE NO. 18-05445 (BKT)

CHAPTER 7

Adversary No. 18-00138

MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE COURT:

COMES NOW defendant Banco Popular Puerto Rico (“BPPR” or the “Bank”) represented by the undersigned attorney and without submitting to the jurisdiction of the Court, respectfully sets forth and prays:

1. That on December 5, 2018, Debtors-Plaintiffs filed the above captioned complaint claiming to determine the validity, priority or extent of Defendant’s lien that encumbers Debtors-Plaintiffs’ residence located at Borinquen Valley 2 Development, 382 Capuchino Street, Caguas PR.

2. That pursuant to the provisions of Rule 56(a) of the Federal Rules of Civil Procedure¹ as adopted by reference by Rule 7056 of the Federal Rules of Bankruptcy Procedure Defendant moves the Court for Summary Judgment dismissing the complaint filed by Debtors-Plaintiffs.

3. Defendant is entitled to Summary Judgment as a matter of law because there is not a genuine controversy as to the salient facts of the case and the applicable law and jurisprudence.

4. A Statement of Uncontested Facts and Memorandum of Law in Support of the Motion for Summary Judgment is being filed on even date.

NOTICE OF RESPONSE TIME

Pursuant to the provisions of Local Bankruptcy Rule 9013-1(c)(1) within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

WHEREFORE Defendant prays from this Honorable Court to enter judgment granting the foregoing Motion for Summary Judgment and dismissing the complaint.

In San Juan, Puerto Rico this 12th day of July, 2019.

¹“(a) Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.”

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on even date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Roberto Figueroa Carrasquillo, Esq., and Wigberto Lugo Mender, Esq., Trustee, Esq.** Chapter 13 Trustee. I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: None.

/s/ José F. Cardona Jiménez

USDC PR 124504

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